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(MS# 180498.1)  
PATENT

### REMARKS

Applicants have thoroughly considered the Examiner's remarks and the application has been amended in light thereof. Claims 1-48 are presented in the application for further examination. Claims 1, 2, 12-15, 17, 20, 23, 30, 40, and 45-48 have been amended by this Amendment C. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested. The following remarks will follow the sequence of the Office action.

Claims 1-48 stand rejected under 35 U.S.C. §102(e) as being unpatentable as anticipated by a newly cited reference to Gossett Dalton, Jr. et al. (U.S. Patent 6,426,955 B1). The Examiner argues that Gossett Dalton, Jr. et al. disclose at col. 6, lines 48-53 that the command issued by the web server to connect the telephones is "in response to said web server 122 being initiated by a user controlling said computer" (page 3, lines 1-2 of Office action). Applicants respectfully disagree with the Examiner for two reasons. First, Applicants disagree with the Examiner's interpretation of the Gossett Dalton, Jr. et al. reference. Applicants submit that Gossett Dalton, Jr. et al. teach nothing more than a system for connecting two phones via the internet. Second, the Examiner has mischaracterized the web initiated telephony system and method of the invention as recited by the claims. In particular, the invention relates to web initiated telephony initiated by a user computer having a data connection between the user computer and the web server wherein the user computer provides a data command to the web server for initiating a telephonic connection between a plurality of telephonic devices. Both these points will be addressed below.

As to the first point, Applicants disagree with the Examiner's interpretation of the Gossett Dalton, Jr. et al. reference. Column 1, lines 66-67 and column 2, lines 1-2 indicate that the system of Gossett Dalton, Jr. et al. relates to a call routing engine connected to an IP network that provides a gateway in the routing and billing of voice over IP transactions. Further, as illustrated in Fig. 1, the calling party 104 initiates a call through a source gateway 105, which is a telephone network. Thus, Gossett Dalton, Jr. et al. contemplate internet based telephony and the computers involved in this system are used to route calls and keep track of financial information within the internet. As illustrated in Fig. 1, Gossett Dalton, Jr. et al. do not show any computers other than routing and tracking computers. Accordingly, the Examiner's argument that Gossett

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Dalton, Jr. et al. disclose at col. 6, lines 48-53 that the command issued by the web server to connect the telephones is "in response to said web server 122 being initiated by a user controlling said computer" is a misinterpretation of the Gossett Dalton, Jr. et al. reference.

As to the second point, the system and method of the invention and recited by the claims relates to web initiated telephony and is not taught by Gossett Dalton, Jr. et al. Although applicants believe the claims clearly recite web initiated telephony, further minor amendments have been made to each independent claim to emphasize this distinction over the Gossett Dalton, Jr. et al. reference. In particular, each of the independent claims recites this aspect of the invention. For example, claim 1 recites "a user computer, having a data connection to a web server, for initiating the web server to establish a telephonic communication between first and second telephonic devices coupled to a telephone network." Further, claim 1 recites that the web server is "initiated via the data connection between the user computer and the web server by a user controlling said user computer whereby the data command results in the telephonic connection between the first and second telephonic devices via the telephone network." Similarly, claim 15 recites "a user computing device, coupled to the data network, for making a selection of the first and second telephone devices for communication, and for providing said selection to said web server." Further, claim 15 recites that the web server is "initiated by the user computing device via the data network between the user computing device and the web server to issue data commands to said first and second telephony servers." Claim 23 recites "a user computing device coupled to a data network, for initiating the communication between the first and telephone devices.... said computing device for making a selection of the first and second telephone devices for communication, and for providing said selection to said web server as a data command via the data network." Claim 30 recites "a user communication initiation device, coupled to the web server via the data network, for providing a data command associated with the two or more telephony devices to said web server and for initiating the web server via the data network to establish the voice communication between the two or more telephony devices via the data network." Also, method claim 40 recites selecting via a user computing device the two telephony devices to be connected and providing by a data command from the user computing device via the data network information associated with the two telephony devices to a web server. Furthermore, claims 45-48 specify that the user computer provides the

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selection to the web server via the data network and provides by a data command from the user computing device via the data network.

These recitals of the invention are simply not taught or disclosed by the Gossett Dalton, Jr. et al. reference. As noted above, Gossett Dalton, Jr. et al. contemplates only voice over IP transactions. Contrary to the Examiner's conclusion, there is no user computer illustrated in Gossett Dalton, Jr. et al. having a data connection to a web server for providing a data command to the web server via the data connection in order to initiate a telephonic communication between a plurality of telephonic devices.

Additionally, the remaining dependent claims further recite features which distinguish over the prior art. For example, claim 48 specifies that the web server receives an indication of the selected first and second telephony devices from the user communication initiation device via the data network and determines "which of said telephony servers are associated with said first and second telephonic devices" based on the received data command. Thus, the remaining claims which depend from the above-noted independent claims are patentable for the same reasons as noted above with regard to the independent claims. In addition, it is submitted that the dependent claims individually recite other features which in combination with the features of the independent claims are also patentable.

In summary, it is submitted that claims 1-48 are patentable over Gossett Dalton, Jr. et al. because this reference fails to teach or suggest a user computer for initiating by a data command a connection between two telephonic devices.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. If the Examiner feels, for any reason, that a personal interview will expedite the prosecution of this application, he is invited to telephone the undersigned.

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Applicant does not believe that a fee is due. If, however, the Commissioner determines otherwise, such fees may be charged to Deposit Account No. 19-1345.

Respectfully submitted,

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